

Notice of Allowability	Application No.	Applicant(s)	
	09/266,269	HONMA, YOSHIHIRO	
	Examiner	Art Unit	
	Yogesh K. Aggarwal	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/23/2005.
2. ☒ The allowed claim(s) is/are 32-39.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|--|

Allowable Subject Matter

1. Claims 32-39 are allowed.
2. The following is an examiner's statement of reasons for allowance: The prior art of record, neither anticipates nor renders obvious the following limitations as claimed:
[Claims 32 and 34]: An image processing apparatus comprising "... **wherein when capturing an image**, said image processing apparatus rotates the second image in a first direction according to a position of said image capture unit, superimposes the rotated second image on the first image, and displays the first image, on which the rotated second image is superimposed, on said display unit, and, at the same time, rotates the first image in a direction opposite to the first direction, superimposes the third image without rotation on the rotated first image, and outputs the rotated first image, on which the third image is superimposed without rotation, from said outputting unit" in combination with other claimed elements.
[Claims 36, 38]: These are method claims corresponding to apparatus claims 32 and 34 respectively.

Prior art

The following prior art shows the current state of the art to this patent application:

1. i. Masimo et al. (US Patent # 5,189,404) teaches rotating the functional message data (text, first image data) in an opposite direction corresponding to the direction of third image without rotating the third (image) data (col. 2 lines 6-50, col. 3 lines 29-51, figures 2C-2F) in order to view the text clearly in an uprightly fashion. Therefore the text will move in an anticlockwise or clockwise direction depending if the screen is moved in a clockwise or anticlockwise direction. Thus Masimo fails to teach **wherein when capturing an image**, said

Art Unit: 2615

image processing apparatus rotates the second image in a first direction according to a position of said image capture unit, superimposes the rotated second image on the first image, and displays the first image, on which the rotated second image is superimposed, on said display unit, **and, at the same time, rotates the first image in a direction opposite to the first direction, superimposes the third image without rotation on the rotated first image, and outputs the rotated first image, on which the third image is superimposed without rotation, from said outputting unit**

ii. Anderson et al. (US Patent # 6,262,769), teaches an image capture unit (figure 3), and a display unit (LCD 402) adapted to display the first image (image data) (col. 4, lines 8-11). Anderson teaches that a second image (text) is displayed on the LCD screen (col. 7, lines 52-55, col. 8, lines 16-36). Anderson teaches the determination of the camera orientation, and that the second image (text) may be rotated as well as the first image (image data) in a first direction so that the user can view the first and second images (image and text) in the same orientation (col. 7, lines 63-64, col. 8, lines 39- 42). Therefore Anderson teaches wherein when capturing an image, said image processing apparatus rotates the second image in a first direction according to a position of said image capture unit, superimposes the rotated second image on the first image, and displays the first image, on which the rotated second image is superimposed.

Therefore Anderson and Masimo both fail to teach **wherein when capturing an image, said image processing apparatus rotates the second image in a first direction according to a position of said image capture unit, superimposes the rotated second image on the first image, and displays the first image, on which the rotated second image is superimposed, on said display unit, and, at the same time, rotates the first image in a direction opposite to the first**

Art Unit: 2615

direction, superimposes the third image without rotation on the rotated first image, and outputs the rotated first image, on which the third image is superimposed without rotation, from said outputting unit.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

3. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA

Application/Control Number: 09/266,269

Page 5

Art Unit: 2615

December 09, 2005

A handwritten signature in black ink, appearing to read 'David Ometz', with a long horizontal flourish extending to the right.

DAVID OMETZ
SUPERVISORY PATENT EXAMINER